

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Rec'd PCT/PTO 21 DEC 2004  
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Applicant's or agent's file reference 729-2/849-2	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US02/20031	International filing date (day/month/year) 21 June 2002 (21.06.2002)	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC IPC(7): B32B 09/04; B05D 01/28; B05C 01/06; B08B 01/00 and US Cl.: 428/411.1, 446, 447, 484; 427/428, 429; 401/48; 118/200, 205, 264, 265; 15/104.93		
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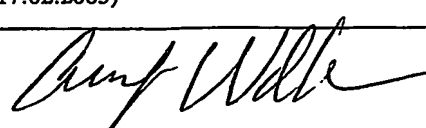
1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of     sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 21 January 2004 (21.01.2004)	Date of completion of this report 17 February 2005 (17.02.2005)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Michael J. Feely  Telephone No. 571-272-1700

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US02/20031

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed.
- ☒ the description:  
 pages 1-14 as originally filed  
 pages NONE, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_.
- ☒ the claims:  
 pages 15-20, as originally filed  
 pages NONE, as amended (together with any statement) under Article 19  
 pages NONE, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_.
- ☒ the drawings:  
 pages 1-4, as originally filed  
 pages NONE, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_.
- ☐ the sequence listing part of the description:  
 pages NONE, as originally filed  
 pages NONE, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_.

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US02/20031**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>1-42</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-42</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-42</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 1-42 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest:

-Independent claim 1 (and dependent claims 2-17, 35, 37, and 38): are drawn to a device for applying a protective coating to a surface;

Dependent claim 33: is drawn to a method for applying a protective coating using the device of claim 1;

-Independent claim 18 (and dependent claims 19-32 and 39): are drawn to a system for applying a protective coating to a surface;

Dependent claims 34 and 40: are drawn to a method for applying a protective coating to a surface using the system of claim 18;

and

-Independent claim 36: is drawn to a device for application of a mold-release coating to a mold.

All of the above mentioned claims feature a novel composite comprising:

a1) a matrix selected from the group consisting of hydrocarbon, polybutene, silicone, and polyethylene;

b1) a multiplicity of inert particles dispersed within the matrix;

c1) at least one silicone fluid;

d1) a surface coating comprising at least one material selected from the group consisting of wax and silicone resin;

wherein the composite has a wax penetration point measurement from about 60 mm to about 250 mm at 25°C under ASTM Test Method D217.

-Independent claim 41 (and dependent claim 42): are drawn to a device for applying a protective coating to a surface, featuring a novel composite consisting essentially of:

a2) about 32 pbw of polybutene;

b2) about 3 pbw of polyterpene;

c2) about 3 pbw of polyethylene;

d2) about 4 pbw of plastic, silicone resin or both; and

e2) about 100 pbw of inert particles.

The closest prior art is Bergmann et al. (US Pat. No. 5,631,013). They disclose a composition used to form a cosmetic stick featuring: a wax-like hydrocarbon, a silicone fluid, a low-melting point wax, and fillers. Regarding claims 1-40, the composite applicator of Bergmann et al. features claimed components a1, b1, c1, and d1; however it only has a penetration value of 2-8 mm. Regarding claims 41-42, the composition of the composite applicator of Bergmann et al. is similar to the composition set forth in claims 41 and 42; however, the prior art fails to teach or suggest the specific claimed composition.

Chen (US Pat. No. 5,475,890) discloses gelatinous elastomer swabs; however, Chen fails to teach or suggest the claimed composites of the instant invention.

Claims 1-42 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

NEW CITATIONS

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

Claims 41 and 42 are objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or contents thereof: in claim 41, "polythylene" should be replaced with --polyethylene--.

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**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 19-32, 34, 39, and 40 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claims 19-32, 34, 39, and 40 are indefinite for the following reason(s):

*Claim 19* is presented in independent form; however, it should be dependent from claim 18. Claims 20-32 and 39 are indefinite because they are dependent from claim 19.

*Claim 34* refers to "the system claimed in claim 17;" however, claim 17 is drawn to a device. Claim 34 should refer the system claimed in claim 18. Claim 40 is indefinite because it is dependent from claim 34.